

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND LEE FRYBERG,

Defendant.

NO. CR15-109JLR

DEFENDANT'S MOTION IN  
LIMINE TO EXCLUDE  
FIREARMS AND PHOTOS

Defendant Raymond Lee Fryberg, by and through his attorneys, moves *in limine* to preclude the government from introducing into evidence either the guns possessed by Mr. Fryberg or photos of the guns.

Federal Rule of Evidence 403 provides that a court may exclude evidence where its probative value is substantially outweighed by the danger of unfair prejudice. Mr. Fryberg will stipulate to his possession of the relevant firearms; therefore there is no dispute as to this element of the crimes charged. Since his possession of the firearms is not in dispute, neither the firearms themselves nor photos of the firearms are probative of an issue in dispute. Consequently, the probative value is completely outweighed by the prejudice

1 inherent in the guns or photos of the guns. In this case, the photographs at issue  
2 pose a significant risk of provoking an emotional reaction from the jury and should  
3 be excluded. *See United States v. Drummond*, No. 1:09CR00159, 2010 WL 1329059,  
4 at \*2 (M.D. Pa. Mar. 29, 2010).

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6 Respectfully submitted this 18<sup>th</sup> day of September, 2015.

7 s/ Lee Edmond  
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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2015, I electronically filed this motion with the Clerk of the Court using the CM/ECF System that will send notification of such filing to the attorney(s) of record.

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